

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document # 59

US 17.

USCA NO. 08-2647-CN.

-v-

M ANOKHIN.

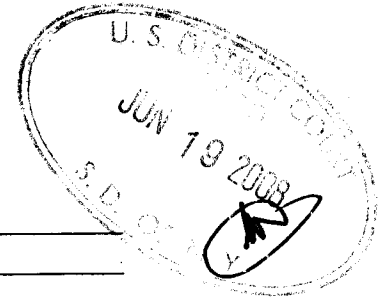
SDNY NO. 07 CR 00815 (HB-1)

JUDGE: HB

DATE: 6/19/08

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME) JAMES ROTLI
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 19 Day of June, 2008.

United States District Court for
the Southern District of New York

45A

-v-

MANOKHIN

Date: 6/19/08

U.S.C.A. # 08-2647-CR

U.S.D.C. # 07CR00815(HB-1)

D.C. JUDGE: HB

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 57, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

| Date Filed | # | Document Description |
|---------------------|----------------|--|
| 2/3/07 | #9 | Notice of Appearance M. Macklowitz |
| 10/03/07 | #14 | Filing error |
| 3/05/08 | #40 | ORDER Permitting viewing of discovery by def. |
| 3/10/08 | #38 | Consent to proceed before Mag. for plea. |
| 5/14/08 | #51 | Filing error |
| 5/16/08 | #53 | Sentencing memo by MANOKHIN |
| 5/19/08 | #54 | Transcript as to MANOKHIN |

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 19 Day of June In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By

Deputy Clerk

APPEAL, CLOSED, ECF, PRIOR

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CRIMINAL DOCKET FOR CASE #: 1:07-cr-00815-HB-1
Internal Use Only

Case title: USA v. Manokhin et al
 Magistrate judge case number: 1:07-mj-01265-UA

Date Filed: 08/29/2007
 Date Terminated: 05/19/2008

| Date Filed | # | Docket Text |
|------------|-----------|--|
| 08/01/2007 | <u>1</u> | COMPLAINT as to Vyacheslav Manokhin (1), Vladimir Derevianko (2), Kamiljan Tursunov (3) in violation of 18 U.S.C. 371, 1001. (Signed by Judge Henry B. Pitman) (gq) [1:07-mj-01265-UA] (Entered: 08/07/2007) |
| 08/06/2007 | <u>5</u> | ORDER as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov...that Complaint 07 Mag. 1265, which was sealed on or about August 1, 2007, is hereby unsealed. (Signed by Judge Kevin Nathaniel Fox on 8/6/2007)(gq) [1:07-mj-01265-UA] (Entered: 08/07/2007) |
| 08/06/2007 | | Arrest of Vyacheslav Manokhin. (gq) [1:07-mj-01265-UA] (Entered: 08/07/2007) |
| 08/06/2007 | | Attorney update in case as to Vyacheslav Manokhin. Attorney Alex Young Kyong Oh for Vyacheslav Manokhin added. (gq) [1:07-mj-01265-UA] (Entered: 08/07/2007) |
| 08/06/2007 | | Minute Entry for proceedings held before Judge Kevin Nathaniel Fox :Initial Appearance as to Vyacheslav Manokhin held on 8/6/2007. Deft appears with CJA atty Alex Young K. Oh. AUSA's Michael Farbiarz and Iris Lan present for the gov't. Russian interpreter present. \$300,000 PRB. 2 FRP. \$10,000 cash. Travel restricted to SDNY, EDNY, District Connecticut. Surrender travel documents (& no new applications). Strict pretrial supervision. Deft is to satisfy all bail conditions prior to his release. Preliminary Examination set for 9/5/2007 at 10:00 AM before Judge Unassigned. (gq) [1:07-mj-01265-UA] (Entered: 08/07/2007) |
| 08/22/2007 | <u>7</u> | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin, Vladimir Derevianko held on 8/6/2007 before Judge Kevin Nathaniel Fox. (jar) [1:07-mj-01265-UA] (Entered: 08/24/2007) |
| 08/29/2007 | <u>8</u> | INDICTMENT FILED as to Vyacheslav Manokhin (1) count(s) 1, Vladimir Derevianko (2) count(s) 1, 2, Kamiljan Tursunov (3) count(s) 1. (jm) (Entered: 08/30/2007) |
| 08/29/2007 | | Case Designated ECF as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov. (jm) (Entered: 08/30/2007) |
| 08/31/2007 | <u>9</u> | NOTICE OF ATTORNEY APPEARANCE: Michael L. MacKlowitz appearing for Vyacheslav Manokhin. (MacKlowitz, Michael) (Entered: 08/31/2007) |
| 09/04/2007 | | Minute Entry for proceedings held before Judge Harold Baer :Pretrial Conference as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov held on 9/4/2007. Dft Vyacheslav Manokhin pres w/atty MacKlowitz, dft Vladimir Derevianko pres w/atty Robert Soloway, and dft Kamiljan Tursunov pres w/atty Richard Jasper. AUSA Iris Lan pres. Crt rpt and Russian Interpreters both pres. Dft Tursunov was arraigned and pleads not guilty as charged. Discovery to be complete within 2 weeks, 9/18/2007. Dfts to review discovery, and next Pretrial Conference set for 10/4/2007 at 11:30 AM before Judge Harold Baer, to set motion and trial date. T/E until 10/4/07. All dfts detained. (ja) (Entered: 09/06/2007) |
| 09/21/2007 | <u>13</u> | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov held on 9/4/2007 before Judge Harold Baer. (wb) (Entered: 09/21/2007) |
| 10/03/2007 | <u>14</u> | FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - FIRST MOTION for Bond-Bail Application (LETTER). Document filed by Vyacheslav Manokhin. Return Date set for 10/4/2007 at 11:30 AM. (MacKlowitz, Michael) Modified on 10/4/2007 (KA). (Entered: 10/03/2007) |
| 10/03/2007 | <u>15</u> | ENDORSED LETTER as to Vyacheslav Manokhin addressed to Judge Baer from Michael L. MacKlowitz dated 10/3/07 re: To request the opportunity to make a bail application to modify the terms of the existing bail conditions immediately following the scheduled proceedings as to Vyacheslav Manokhin...ENDORSEMENT...Talk to me at the hearing tomorrow. SO ORDERED. (Signed by Judge Harold Baer on 10/3/07)(jw) (Entered: 10/04/2007) |
| 10/10/2007 | | Minute Entry for proceedings held before Judge Harold Baer :Pretrial Conference as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov held on 10/10/07. Defendant Manokhin present with attorney Michael MacKlowitz. Defendant Derevianko present with attorney Robert Lolowitz. Defendant Tursunov present with attorney Richard Jasper. AUSA Michael Farbiarz present. Court Reporter and Russian interpreter present. Pretrial conference held, next pretrial conference set for 11/1/2007 at 11:45 AM to set motion and trial date. Time excluded until 11/1/2007. All defendants detained. (kco) (Entered: 10/26/2007) |
| 10/10/2007 | | Set Hearings as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov: Pretrial Conference set for 11/1/2007 at 11:45 AM before Judge Harold Baer. (kco) (Entered: 10/26/2007) |

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| 10/11/2007 | | Minute Entry for proceedings held before Judge Harold Baer :Bail Hearing as to Vyacheslav Manokhin held on 10/11/07. Defendant Manokhin present with attorney AUSA Michael Farbiarz present. Court Reporter and Russian interpreter both present. Bail hearing held. Judge requests \$300,000 in property and \$200,000 cash in lieu of 2 FRPs. Defendants attorney Michael MacKlowitz is relieved as attorney of record. Next pretrial conference set for 10/22/2007 at 10:00 AM for appointment of CJA. Defendant detained. (kco) (Entered: 10/26/2007) |
| 10/11/2007 | | Set Hearings as to Vyacheslav Manokhin: Pretrial Conference set for 10/22/2007 at 10:00 AM before Judge Harold Baer. (kco) (Entered: 10/26/2007) |
| 10/22/2007 | 16 | CJA 23 Financial Affidavit by Vyacheslav Manokhin. (Signed by Judge Harold Baer) (CJA Joel K. Dranove) (pr) (Entered: 10/24/2007) |
| 10/22/2007 | | Attorney update in case as to Vyacheslav Manokhin. Attorney Joel Kenneth Dranove for Vyacheslav Manokhin added.. (pr) (Entered: 10/24/2007) |
| 10/22/2007 | 17 | CJA 20 as to Vyacheslav Manokhin: Appointment of Attorney Joel Kenneth Dranove for Vyacheslav Manokhin. (Signed by Judge Harold Baer on 10/22/07) CJA Office Mailed the Original to Attorney, and Sent Copy to File.(sac) (Entered: 10/25/2007) |
| 10/22/2007 | | Minute Entry for proceedings held before Judge Harold Baer :Pretrial Conference as to Vyacheslav Manokhin held on 10/22/2007. Deft present w/atty Joel Dranove. AUSA John Cronan present. Court Reporter present. CJA atty Joel Dranove appointed as counsel to deft Manokhin. Deft filed Financial Affidavit. Next PTC set for 11-1-07 at 11:45 AM to set motion and trial dates. Deft detained. (bw) (Entered: 10/26/2007) |
| 10/22/2007 | | ORAL ORDER as to Vyacheslav Manokhin. Pretrial Conference set for 11/1/2007 at 11:45 AM before Judge Harold Baer. (bw) (Entered: 10/26/2007) |
| 10/31/2007 | 18 | ENDORSED LETTER as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov addressed to Judge Baer, from Michael Farbiarz/Iris Lan, AUSAs, dated 10/31/07, re: request an adjournment and that time be excluded from Thursday, November 1, 2007, through Tuesday, November 6, 2007 in the interests of justice pursuant to the Speedy Trial Act. -- Judge endorsed: Not sure I understand what you are asking for but if it is to move the PTC to November 2 at 11:45, i.e., same time and to exclude the time both are acceptable - if its something else you will have to write again. SO ORDERED. Pretrial Conference set for 11/2/2007 at 11:45 AM before Judge Harold Baer. (Signed by Judge Harold Baer on 10/31/07)(ja) (Entered: 10/31/2007) |
| 11/05/2007 | | Received returned mail as to Vyacheslav Manokhin re: 17 CJA 20 - Appointment. Mail was addressed to Joel Dranove at 277 Broadway, New York, NY 10007 and was returned for the following reason(s): Not Deliverable As Addressed. (rdz) (Entered: 11/05/2007) |
| 11/06/2007 | | Minute Entry for proceedings held before Judge Harold Baer :Pretrial Conference held on 11/6/2007 as to Vyacheslav Manokhin pres w/atty Joel Dranove,, Vladimir Derevianko pres w/atty Robert Soloway; Kamiljan Tursunov pres w/atty Richard Jasper; AUSA Iris Lin & Michael E. Farbiarz; Russian interpreter pres. Fully briefed motions due 1/7/08, oral arg. on 1/14/08 @ 10am. Trial set for 4/7/08. Time excluded until 1/14/08. All defts detained. (pr) (Entered: 11/09/2007) |
| 11/06/2007 | | ORAL ORDER as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov Time excluded from 11/6/07 until 1/14/08., as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov Motions due by 1/7/2008. Oral Argument set for 1/14/2008 at 10:00 AM before Judge Harold Baer. Trial set for 4/7/08. (pr) (Entered: 11/09/2007) |
| 11/07/2007 | 19 | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin held on October 11, 2007 before Judge Harold Baer. (bw) (Entered: 11/07/2007) |
| 01/16/2008 | 30 | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov held on 11/6/2007 before Judge Harold Baer. (jmi) (Entered: 01/16/2008) |
| 01/17/2008 | 32 | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin, Vladimir Derevianko, Kamiljan Tursunov held on 10/10/07 before Judge Harold Baer. (pr) (Entered: 01/17/2008) |
| 02/05/2008 | 33 | ENDORSED LETTER as to Vyacheslav Manokhin, Vladimir Derevianko addressed to Judge Baer from AUSAs Michael Farbiarz/Iris Lan dated 1/31/08 re: submitted to request that time be excluded, pursuant to 18 USC Section 3161(h)(8)(A), from 2/1/08 through 4/7/08. ENDORSEMENT: We will adjourn to the PTC date of 2/7/08 at 9:45 and discuss any and all open matters at that time. (Signed by Judge Harold Baer on 2/5/08)(bw) (Entered: 02/05/2008) |
| 02/05/2008 | | Set/Reset Hearings as to Vyacheslav Manokhin, Vladimir Derevianko: Pretrial Conference set for 2/7/2008 at 09:45 AM before Judge Harold Baer. (bw) (Entered: 02/05/2008) |
| 02/07/2008 | | Minute Entry for proceedings held before Judge Harold Baer:Status Conference as to Vyacheslav Manokhin, Vladimir Derevianko held on 2/7/2008, as to Vyacheslav Manokhin, Vladimir Derevianko(Jury Trial set for 4/7/2008 at 10:00 AM before Judge Harold Baer.) Deft Manokhin present with atty Joel Dranov. Deft Derevianko present with atty Robert Soloway. AUSA Michael Farbiarz present. Court assign a second CJA atty James Roth to assist Joel Dranov. Trial will be held 4/7/08. Time excluded until 4/8/08. Defts detained. (jw) (Entered: 02/07/2008) |
| 02/07/2008 | 36 | CJA 20 as to Vyacheslav Manokhin: Appointment of Attorney James Michael Roth for Vyacheslav Manokhin. (Signed by Judge Harold Baer on 2/7/08) CJA Office has mailed the original and sent a copy to the file.(sac) (Entered: 02/29/2008) |

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| 03/05/2008 | <u>40</u> | ORDER as to Vyacheslav Manokhin. Mr Joel Kenneth Dranove and his client, Mr. Vyacheslav Manokhin, may be permitted if it cannot be accomplished more simply in the US Attorney's office to review at the MCC the contents of a hard drive under the supervision of a US Marshal, or maor than one, and in the MCC only with the permission of the BOP as indicated. So Ordered. (see the attached order for the complete text) (Signed by Judge Harold Baer on 3/5/08)(pr) (pr). (Entered: 03/05/2008) |
| 03/05/2008 | | Minute Entry for proceedings held before Judge Harold Baer: Pretrial Conference held on 3/5/2008, as to Vyacheslav Manokhin pres w/atty Joel Kenneth Dranove pres; deft Vladimir Derevianko pres w/atty Richard Soloway; AUSA Michael E. Farbiarz pres. Deft Derevianko's atty Richard Soloway is relieved. Atty Jesse Siegal is retained. Trial date remains the same, 4/7/08. Defts detained. (pr) (Entered: 03/06/2008) |
| 03/05/2008 | <u>37</u> | (S1) SUPERSEDING INDICTMENT FILED as to Vyacheslav Manokhin (1) count(s) 1s, Vladimir Derevianko (2) count(s) 1s, 2s. (pr) (Entered: 03/12/2008) |
| 03/10/2008 | | Minute Entry for proceedings held before Magistrate Judge Michael H. Dolinger: Arraignment (on S1-07-Cr-815) as to Vyacheslav Manokhin (1) Count 1s held on 3/10/2008. AUSA Iris Lan present. Deft Vyacheslav Manokhin present w/atty James Roth. Consent to Proceed before Magistrate filed. Deft pleads Guilty to Count #1 of Superseding Indictment. Expedited PSR ordered. Deft continued detained. (bw) (Entered: 03/12/2008) |
| 03/10/2008 | | Minute Entry for proceedings held before Magistrate Judge Michael H. Dolinger: Plea entered by Vyacheslav Manokhin (1) Guilty as to Count 1s. (bw) (Entered: 03/12/2008) |
| 03/10/2008 | | Order of Referral to Probation for Presentence Investigation and Report as to Vyacheslav Manokhin. (bw) (Entered: 03/12/2008) |
| 03/10/2008 | <u>38</u> | CONSENT TO PROCEED BEFORE US MAGISTRATE JUDGE ON A FELONY PLEA ALLOCUTION by (S1-07-Cr-815-01) Vyacheslav Manokhin. (Accepted by Magistrate Judge Michael H. Dolinger on 3/10/08) (bw) (Entered: 03/12/2008) |
| 03/17/2008 | <u>41</u> | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin held on 3/10/2008 before Magistrate Judge Michael H. Dolinger. (ama) (Entered: 03/17/2008) |
| 04/15/2008 | <u>46</u> | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin held on 3/05/2008 before Judge Harold Baer. (ama) (Entered: 04/15/2008) |
| 05/14/2008 | <u>51</u> | FILING ERROR - DEFICIENT DOCKET ENTRY - SENTENCING MEMORANDUM by Vyacheslav Manokhin. (Roth, James) Modified on 5/16/2008 (KA). (Entered: 05/14/2008) |
| 05/15/2008 | <u>52</u> | ORDER as to Vyacheslav Manokhin. It is ORDERED that the defendant's guilty plea be, and hereby is, ACCEPTED. SO ORDERED. (Signed by Judge Harold Baer on 5/15/08)(jw) (Entered: 05/15/2008) |
| 05/15/2008 | | Minute Entry for proceedings held before Judge Harold Baer: Sentencing held on 5/15/2008 for Vyacheslav Manokhin (1) Count 1s. Deft Manokhin present w/atty James Roth. AUSA Michael Farbiarz and Iris Lan both present. Court Reporter present. [See Judgment] (pr); Modified on 5/22/2008 (bw). (Entered: 05/19/2008) |
| 05/15/2008 | | DISMISSAL OF COUNTS on Government Motion as to Vyacheslav Manokhin (1) Count 1.. (pr) (Entered: 05/19/2008) |
| 05/16/2008 | <u>53</u> | SENTENCING MEMORANDUM by Vyacheslav Manokhin. (Attachments: # <u>1</u> Exhibit)(Roth, James) (Entered: 05/16/2008) |
| 05/19/2008 | <u>54</u> | JUDGMENT as to Vyacheslav Manokhin (1), Count(s) 1, Dismissed; Count(s) 1s, 366 days imprisonment. 2 years supervised release with supervision. \$100.00 special assessment. \$5,000.00 fine. (see the attached J&C for the full text). (Signed by Judge Harold Baer on 5/15/08)(pr) (Entered: 05/19/2008) |
| 05/19/2008 | | Judgment entered in money judgment book as #08,0880 as to Vyacheslav Manokhin in the amount of \$ 5,100.00, re: <u>54</u> Judgment. (dt) (Entered: 05/22/2008) |
| 05/28/2008 | <u>55</u> | NOTICE OF APPEAL by Vyacheslav Manokhin from <u>54</u> Judgment. (tp) (Entered: 05/29/2008) |
| 05/28/2008 | | Appeal Remark as to Vyacheslav Manokhin re: <u>55</u> Notice of Appeal - Final Judgment. ATTORNEY CJA. (tp) (Entered: 05/29/2008) |
| 05/29/2008 | | Transmission of Notice of Appeal and Certified Copy of Docket Sheet as to Vyacheslav Manokhin to US Court of Appeals re: <u>55</u> Notice of Appeal - Final Judgment. (tp) (Entered: 05/29/2008) |
| 06/11/2008 | <u>57</u> | TRANSCRIPT of Proceedings as to Vyacheslav Manokhin held on 5/15/08 before Judge Harold Baer. (ama) (Entered: 06/11/2008) |
| 06/16/2008 | | Payment of Fine from Vyacheslav Manokhin in the amount of \$100.00. Date Received: 6/16/08. (mn) (Entered: 06/16/2008) |